

Request For An Examiner's Answer

Appellants filed an Appeal Brief on June 1, 2004. There is no evidence of record that the Office Communication dated September 8, 2004, which attempted to reopen prosecution, was approved by a Supervisory Patent Examiner (SPE). Neither the Communication nor the PAIR images of the official record (of the Communication) shows reopening approval via a SPE signature.

Accordingly, the extraneous comments in the Communication are non responsive to Appellants' Appeal Brief. Prosecution has not been reopened. Appellant's Appeal Brief remains pending. Appellants request an Examiner's Answer in response thereto.

Respectfully submitted,



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